IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

Bail Appl..No. 3425 of 2007()

CMP.1298/2007 of J.M.F.C.-II, KANJIRAPPALLY
CRIME NO.10/2007 OF KANJIRAPALLY EXCISE RANGE

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PETITIONER/ACCUSED

THANKAPPAN @ KUNJUMON,
S/O.KUTTY, MANNIL VEEDU, ALLAPRA P.O.,
MANIMALA, KOTTAYAM.

BY ADV. SRI.TITUS MANI
SRI.S.SURAJ (PALATHANATHU)

RESPONDENTS: COMPLAINANT & STATE

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE EXCISE INSPECTOR,
KANJIRAPALLY.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 3425/2007

Dated this 11th day of June, 2007

O R D E R

The petitioner, who is the accused in C.R.No.10/2007 of Kanjirappally Excise Range for an offences punishable under Section 8(2) of the Abkari Act for allegedly having been found in possession of ten litres of illicit arrack on 11.4.2007 and who was arrested on the same day, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application submitting inter alia that the petitioner is involved in another case of similar nature, having regard to the fact that the petitioner has been in judicial custody for more than sixty days and without there has been any final report filed against him, the petitioner is entitled to be released on bail as of right by virtue of the proviso to sec.167 (2) Cr.P.C.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Kanjirappally and subject to the following conditions:-

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall make himself available for interrogation as and when required by the investigating officer.

4. Petitioner shall not commit any offence while on bail.

4. If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

The application is allowed as above.

V.RAMKUMAR,
JUDGE

mrcs